HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 13055 OF 2007

DATE: 22.06.2007

BETWEEN

1. Vema Reddy S/o Seetha Reddy

….Petitioner

AND

1. The Sub-Registrar, Visannapet, Krishna District and one another.

…. Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 13055 OF 2007

ORAL ORDER:

The petitioner states that his close relation by name Alavala Jamal Reddy had executed a gift deed dated 4.1.2007 in his favour transferring Ac. 0.82 cents of land situated in R.S.No. 525/3 of Reddigudem Village and Mandal, Krishna District. The document is said to have been registered and assigned No. 27 of 2007 by the first respondent. Petitioner states that the second respondent had submitted a complaint on 24.1.2007 before the first respondent with a request to cancel the document dated 4.1.2007, making certain allegations. His grievance is that the first respondent is likely to proceed in the matter, without issuing any notice to him.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

The Registration Act and the Rules made thereunder prescribe the procedure for registration of documents, as well as for the cancellation thereof. Till recently some uncertainty prevailed, as to the procedure to be followed, for cancellation of a registered document or to register deed of cancellation.

Rule 26 of the A.P Rules was amended recently, by adding clause 'K' thereto, which reads as under:

> "{(k)(i) The registrating officer shall ensure at the time of presentation for registration of cancellation deeds of previously registered deed of conveyances on sale before him that such cancellation deeds are executed by all the executants and claimant parties to the previously registered conveyance on sale and that such cancellation deed is accompanied by a

declaration showing mutual consent or orders of a competent Civil or High Court or State or Central Government annulling the transaction contained in the previously registered deed of conveyance on sale;

Provided that the registering officer shall dispense with the execution of cancellation deeds by executants and claimant parties to the previously registered deeds of conveyances on sale before him if the cancellation deed is executed by a Civil Judge or a Government Officer competent to execute Government orders declaring the properties contained in the previously registered conveyance on sale to be Government or Assigned or Endowment lands or properties not registerable by any provision of law.

(ii) Save in the manner provided for above no cancellation deed of a previously registered deed of conveyance on sale before him shall be accepted for presentation for registration."

The registering authority is required to ensure that the parties to the document are made aware of the proceedings and are taken into confidence before any document is cancelled. There is no reason to believe that the first respondent does not follow that procedure particularly when the petitioner himself insisted on such a course.

Hence, the Writ petition is disposed of directing that the first respondent to follow the procedure prescribe under law, particularly the one under Rule 26 of the A.P. Rules under Registration Act, 1908, in the event of any steps are taken for cancellation of the document dated 4.1.2007. There shall be no order as to costs.

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L. NARASIMHA
REDDY, J

Date: 22.06.2007
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